

OFFICERS CLAIM THEY USE AUTOS IN ARMY SERVICE

Captain Cassels' Suit Against
Assessor Wilder On Trial Be-
fore Judge Ashford

MANY SERVICE MEN APPEAR IN COURT

Witnesses Claim Machines Are
For Government As Well As
Private Convenience

That army officers use their automobiles as much for official business as for their own personal and private purposes was the gist of the testimony given before Judge Ashford yesterday by Col. Daniel L. Howell, of the First Infantry, Schofield Barracks; Lieut. Col. John E. McMahon of the same regiment; Capt. Arthur P. Cassels (the petitioner) of the same regiment, and Capt. John S. Fair of the Fourth Cavalry, also at Schofield Barracks.

This testimony came out in the trial of the suit instituted by Captain Cassels against Charles T. Wilder, tax assessor for Oahu, the aim of the action being to prevent the assessor from collecting taxes on automobiles owned by service men and which on January 1 of each year, as of which date all property assessments, specific and otherwise, are made, were located on military reservations on Oahu.

Before Supreme Court Once
This case in its unamended form, has already been before the supreme court, which sustained the demurrer filed by Attorney General Steinback to the complaint, Associate Justice Quarles, author of the opinion, going even so far as to decide that such automobiles are not exempt under the law of the Territory from taxation and suggesting that such examination as is now sought could only be obtained by specific enactment of a law to such effect by the legislature.

Captain Cassels sought and was granted permission by Circuit Judge Stuart to amend his complaint. The amended complaint states that his automobile is used for official purposes and is, therefore, exempt from taxation. It is on this claim that the case is being now tried before Judge Ashford. Further trial will be resumed at half-past one o'clock tomorrow afternoon.

Many Officers In Court
There were two score officers in court yesterday from the different army posts of the city and island, and it is expected that most of them will testify. A subpoena was issued for Brig. Gen. John P. Wiser, commander of the army in Hawaii, but whether or not he will appear as a witness is not known at this time. He was not in court yesterday.

Each army unit has from thirty-five to forty-two line officers, it was claimed yesterday, and as many as fifteen officers in each own automobiles. While the mainland of the United States is the seat of the superior officers are furnished with automobiles by the government, it was claimed yesterday that when application was made for these by Hawaiian officers this was turned down on the plea that the appropriation available was not enough to go around and reach Hawaii.

Government Does Not Pay
One officer, Captain Fair, testified that he covered easily a thousand miles a month with his automobile on official business, but was not paid a cent for its use by the government. These machines are used regularly in the military service, in the working out of war problems and other topics of army life.

It is customary, it was said yesterday, for the commander of a regiment to request such officers as have machines to place them at the disposal of the service and such officers as have no machines are given a lift in those of others. Many illustrations of this practice were given by the witnesses.

This One Demurred, But
One officer demurred when his superior asked that his machine be used in the execution of a certain service. He protested against using his private property when the government did not pay him for it. The use of the machine was not insisted on. The superior told the officer that if he did not care to use his auto he might get into the machine of another officer.

And did he do that? Asked Judge Ashford.

No, he used his own machine and gave other officers a lift, was the reply, court and audience smiling at the inference.

There were many objections raised during the trial yesterday to questions asked to witnesses by the lawyers for the petitioner and these were argued at great length, and warmly at times, giving occasion often for rapid-fire passages at arms between counsel.

Use Ford Instead Of Automobile
At one stage of the trial Judge Ashford asked an officer if it would be the same thing if he used a Ford instead of an automobile. The reply was lost in the ripple of mirth the judicial observation brought forth.

NEW CITY ENGINEER
ASSUMES HIS DUTIES

City Engineer George Collins has taken hold of the work of his new office with a rush and among the first things to be done will be the placing of five-foot columns in Nuuanu avenue to take care of future rain-storm water and the proper drainage of Kaula-naha gulch. When the road was recently washed out by the heavy rains.

ANNUAL REPORTS OF COURTS NOW READY

Work of Divisions Headed By
Judges Ashford and Stuart
Show Much Work

Annual reports of the work of the first and third divisions of the local circuit court, presided over respectively by Judge Ashford and Judge Stuart, were completed yesterday by Clerk Joseph K. Cullen of the first and Clerk Benjamin N. Kahalepuna of the third, with the aid of their assistants. The report of Judge Whitney's court, the second division, prepared by Clerks A. Kalei Aona and Charles M. Hite, was published in The Advertiser last Monday.

Judge Ashford's Report—During the year there were 120 arrests made as the result of bench warrants issued on indictments brought by the territorial grand jury, eleven arrests upon information, and 363 appeals and commitments from the district courts of the island, mainly from the police court of Honolulu. Of the trials had, there were 237 convictions and thirty acquittals. Other cases were disposed of as follows: 121 nolle prosequi entered, 142 appeals withdrawn, three appeals dismissed and thirteen appeals struck from the docket.

Those who were convicted were, by nationality and race, as follows:

Citizens—Chinese, 9; colored, 13; Hawaiian and Part-Hawaiian, 34; Japanese, 9; and white, 53.

Nationals—Filipino, 23, and Porto Rican, 12.

Aliens—Chinese, 73; Japanese, 36; Korean, 9; Portuguese, 9; Russian, 1; Spanish, 3, and nationality not given, 1.

Other than criminal, Judge Ashford's report shows: Nine civil cases tried by jury, four jury waived and four at chambers. In three cases judgments were given for the plaintiffs and one for the defendant. One writ of habeas corpus was granted; also one petition each for habeas corpus and mandamus dismissed. One mandamus and one damage suit discontinued. In probate six administrations were granted, one adoption, five guardianships, one administrator de bonis non appointed, one petition for family allowance, one petition of guardian to make investment and one trustee's accounts approved. Two wills were admitted to probate.

In equity one bill to set aside articles of adoption was dismissed, two bills for partition of land granted, and one bill for injunction discontinued.

Judge Stuart's Division
Judge Stuart's Court—Actions at law, ninety-eight tried by jury and 253 jury waived. Disposition—assigned, 16 judgments for plaintiffs, 101; for defendants, 34; nonsuits granted, 4; dismissed, 26; discontinued, 156; struck from the docket, 4. Total number of cases disposed of 351, pending, 132.

Total number of cases, including appeals from district courts, 458.

Bills in Equity—How disposed of: Details lacking, table incomplete, except that total number of cases was 120.

Divorce—Fourteen granted, six to whites, six to Japanese, and two to Koreans.

There was one probate matter discontinued in Judge Stuart's subdivision during the six months ending December 31, a petition for the appointment of a guardian, which was granted.

A full report of the work of the three divisions of the first circuit court is now being prepared and will be submitted by Judge Ashford to the supreme court.

SUPERVISOR EXPLAINS CITY CASH BASIS FUND

Latter Never Has Been Considered
Asset of Treasury

Supervisor Daniel Logan, chairman of the finance committee of the board of supervisors, is quoted as saying that there is no foundation for the statement made by the deputy bank examiner in his report of the condition of municipal affairs "that it is evident that the cash basis fund was taken into consideration at the time of making appropriations."

The cash basis fund was not considered as an asset by the board in making appropriations, says the supervisor, but the city treasurer was advised by Logan to make use of the fund rather than to register warrants. Logan also states that the legislature saddled many thousands of dollars on the municipality for court expenses after the first semi-annual appropriations were made and that the action of the board in appropriating \$20,000 for the investigation of the water problem of the city was done mainly at the behest of the chamber of commerce.

According to the interview with the chairman of the finance committee the supervisors have taken steps to wipe out \$75,000 to \$80,000 of the deficit mentioned by the bank examiner and the savings in appropriations will bring the so-called deficit down to a small amount.

POSTOFFICE STAMP
SALES SHOW GROWTH

Sales of stamps in the local post-office amounted to more than \$20,000 during the month of December. For the last quarter they were more than \$4,000 in excess of the same quarter for the year 1914. Stamps sold in October, November and December of 1915 amounted to \$42,304.43 and for the same time in 1914 to \$38,609.09.

TWO BOND ISSUES MAY BE REFUNDED

Total Amount Involved Is \$1-
750,000 and Object Is To
Reduce Interest

Initial steps have been taken by Governor Pinkham and Territorial Treasurer McCarthy to refund the two issues of improvement bonds, which fall due October 1, 1916, and January 2, 1920, respectively. The total of the refunded bonds will be \$1,750,000.

Under the law the Territory has the right to redeem these issues at any time five years the date of issue, in this case, October, 1908, and January, 1905. The bonds are fifteen year bonds. It is necessary, of course, to secure the permission of the Washington authorities, but this is a mere matter of routine, and the first steps already have been taken.

The matter has been in hand for some time, as the interest that the Territory is paying on these bonds is believed to be too high, ranging as it does from four-and-a-quarter to four-and-a-half per cent. It is believed that the refunding operation will cut this interest charge to four per cent, and may net the Territory a premium.

HAWAIIAN BOYS ARE FIGHTING WITH ALLIES

Some Are In French and Others
In British Trenches

The experiences of a Honolulu boy in the trenches with the French army, are detailed in a letter to his brother, Fred M. Kahae, which was received here in the Mazon.

George Healii Kahae, the son of Maria Beckley Kahae, is the lad in question. He left here in the Missouriian with sugar and passed through the canal arriving in New York where the vessel loaded horses for Marseilles, France. He, with fourteen other Hawaiians, jumped the ship there and after a while were taken into the French army.

Kahae became separated from his friends and during several months hard campaigning saw or heard nothing of them. Two of the other boys were killed. Kahae and Low, both of Honolulu. The names of the other boys were not mentioned.

During a skirmish Kahae was captured. He was imprisoned in Germany and after several months of hardship managed to make his escape and get to England, where he enlisted in Derbyshire. He has served several months with his company and by attention to duty has been promoted to be a corporal. He sent a picture of his squad and himself to his brother.

IVANHOE SURVIVORS ARE PAID BY THEIR CONSUL

Arriving by the steamer W. G. Hall from Kauai yesterday morning were depositions from Port Allen and the master of the bark British Yeoman relative to the wreck of the bark Ivanhoe.

At Port Allen a few weeks ago, J. W. Waldron, consul for Chile, yesterday paid off all but one of the surviving sailors of the Ivanhoe, their wages averaging fifty dollars each. Mr. Waldron paid to the nine men \$545.65.

The captain, first and second mates, boatman, ship's carpenter and one seaman will be taken back to Chile by the steamer Kiyo Maru, leaving here February 4.

Having been paid off, the other members of the crew will have to shift for themselves.

In 1914 the total value of all farm products in the United States was approximately \$10,000,000,000, which is \$63,000,000 more than the total for 1913, and breaks all records. The 1914 total is more than double the combined value of farm products fifteen years before.

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NATIONAL SECURITY COMMITTEE MEETS

Kuhio and Sidney M. Ballou Ap-
pointed To Represent Hawaii
At Washington Convention

The first and probably last meeting for a long time of the committee on national security, appointed by the president of the chamber of commerce some time ago, took place yesterday afternoon with all of the members present.

Chairman George H. Rendon called the meeting to order and Senator A. L. Castle was unanimously elected to the office of secretary.

The call of the National Security League to the committee, to appoint representatives to the congress to be held in Washington on the twentieth of the present month was read and it was the sense of the meeting that the Delegates to Congress and S. M. Ballou, now in Washington, be named as the delegates to represent Hawaii. They were given power to select such other citizens of the Territory who might happen to be in Washington, to assist them in the deliberations of the congress, as representatives from Hawaii.

The delegates will be notified by cable of their powers and the action of the committee.

Those present at the meeting were Wade Warren Thayer, John C. Lane, R. H. Trent, L. T. Peck, George H. Rendon and A. L. Castle.

KILAUEA NATIONAL PARK PROJECT MAY BE HELD UP

The bill recently introduced in congress by Delegate Kuhio, setting aside land for the Kilauea National Park, has caused action to be taken by the chamber of commerce looking to its delay in passage until it can be determined which of two surveys should be included in it.

One survey made in 1911 included private property over which there was some dispute and a later survey was made which excluded this property. How it transpired that the former survey was used to describe the property to be acquired is to be investigated by the chamber.

It was discovered that the first and discarded survey was used when the Delegate sent a cablegram to get the prices of the privately-owned property included in the survey. This led to the request for the holding up of the bill.

ISLANDERS WITH THE LONDON SCOTTISH

In the makai window of Thrums' store, Fort street, is exhibited a fine clear photograph—four feet six inches long—of the 2nd Battalion, London Scottish Regiment, which was recently taken in England prior to the battalion's departure for active service at the front. The photograph is specially interesting as it shows the portraits of four men who left Honolulu last year to join the British army.

These are Lance Corporal Alex. Hunter and Privates V. Woodburn-Heron, Frank Brolan and E. F. K. Shackleton. The 3rd Battalion of the London Scottish is still undergoing training in England, while the 1st Battalion has been over in France for over a year, where it received its baptism of fire at Messines on October 31, 1914, when it helped to hurl back the famous Prussian Guards in their futile attempt to break through to Calais.

Since Messines, the 1st Battalion of the London Scottish has taken part in several severe actions including the advance on Loos on September 25.

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SPORTS

EXPECT BIG YEAR
IN POLO CIRCLES

Indications Point To Many Excit-
ing tournaments Throughout
Pacific Coast In 1916

Polo is expected to have one of its best seasons on the Pacific Coast during 1916. The Panama-Pacific exposition tournament held last spring, while it furnished as keen competition as the most ardent follower of the game could wish, was not the success that was hoped for owing to its loss of international flavor due to the European war. The attendance also fell short of what was expected for the reason mentioned and also because of the chill winds which made it uncomfortable for the spectators. On this account the general public was not adequately up to the game to the extent hoped for. Nevertheless thousands who had never seen the game were initiated into its thrill and the result is expected to bear fruit in the season's attendance.

Such well known stars as Malcolm Stevenson, C. Perry Bendleton, C. N. Heesher and Thomas LeBoutillier II, all of the famous Eastern Meadowbrook team are expected to be seen in the form of polo on the coast when the season opens about the middle of this month. The team has decided to take part in the tournaments of the Pacific Coast circuit which will be played at the Coronado Country club, Pasadena, San Mateo and Midwick polo clubs. The Midwicks gave an excellent account of themselves in the exposition tournament and generally are expected to exhibit some brilliant play during the season. The forty days of exposition play gave them some excellent experience. J. Eugene Geer, the Eastern polo expert who scored the exposition contests was impressed by them and expressed the opinion that the members of the team, with another season of play together, to perfect their team work, would become formidable rivals for any four in the country with the exception of a national combination.

If the exposition stadium, which is on government ground, with its playing field is conserved according to the present plans, it is expected that there will be a tremendous boom for polo in army circles, and it is believed the chances are bright for a number of officers' teams to be in the field. The contests in which the soldiers took part last spring were among the most popular and interesting of the entire tournament. With an excellent field close at hand for practice the army players, according to polo enthusiasts, would soon offer a stiff opposition and infuse no end of interest into any coast tournaments in which they were entered.

Santa Barbara is another point where there is unusual activity in polo circles. According to reports from that place, C. W. Dabney, president of the Santa Barbara Polo club, is quoted as saying that play on Leadbetter field between local teams will begin in about a week or ten days. Among the well known players who are expected to participate in the various games are Richard Tobin, Harry Hastings and Felton Elkins. Others are: Dr. H. J. Boeseke, C. P. Dabney, F. W. Leadbetter, Edgar Park, Arthur Ogilvy, and Boeseke Jr.

While in New York John Andrews took up the baseball question in Hawaii and was formed that the A. A. U. would be governed by the decision of the Inter-collegiate committee on baseball. This committee will no doubt draft rules which will not interfere with a man's college standing should he play baseball outside of the college team and in the ranks of the professionals and against professionals, provided he does not take money. As there is always a way where there is a will, the amateur baseball player will find means of playing baseball without jeopardizing his standing.

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